

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

EDDIE HARRIS a/k/a EDDIE LEE	)	
HARRIS, JR.,	)	
	)	
Plaintiff,	)	
	)	No. 2:17-cv-02540-TLP-tmp
v.	)	
	)	JURY DEMAND
SHELBY COUNTY DETENTION	)	
FACILITY, OFC. SCOTT, OFC. JONES,	)	
and SHELBY COUNTY,	)	
	)	
Defendants.	)	

---

**ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE**

---

Plaintiff Eddie Harris, a/k/a Eddie Lee Harris Jr., sued the Shelby County Detention Facility, Officer First Name Unknown (“FNU”) Scott, Officer FNU Jones, and Shelby County, alleging violations of 42 U.S.C. § 1983. (ECF No. 1.) This Court then partially dismissed Plaintiff’s complaint and directed service of process on the remaining Defendants—Officer Scott and Officer Jones. (ECF No. 12.) The Court issued summonses as to the remaining Defendants in September of 2018 (ECF Nos. 13 & 14), but the summonses were returned unexecuted in February of 2019 (ECF Nos. 15 & 16.) Plaintiff did not request additional time to serve process, and there was no further activity in the case for more than one year.

The Court then issued an Order to Show Cause why it should not dismiss this case for failure to prosecute. (ECF No. 17.) In response, Plaintiff filed a second motion to appoint counsel, restating and expanding on the grounds he listed in his first motion to appoint counsel.

(ECF No. 18.) The Court denied Plaintiff's second motion to appoint counsel. (ECF No. 19.) But Plaintiff otherwise failed to respond to the Court's Order to Show Cause.

So the Court issued a second Order to Show Cause why it should not dismiss this case for failure to prosecute. (ECF No. 20.) The Court gave Plaintiff until August 21, 2020 to respond. But Plaintiff failed to respond to the Order to Show Cause, and the time to do so has now passed.

Plaintiff failed to execute summonses as to Defendants in February 2019 and has not attempted to further litigate this matter since. (*See* ECF Nos. 15 & 16.) What is more, the Court has now entered two Orders to Show Cause why it should not dismiss this case for failure to prosecute. (*See* ECF Nos. 17 & 20.) And the Court's second Order to Show Cause explicitly warns Plaintiff that "failure to respond to this Order will result in dismissal of his claims without prejudice." (ECF No. 20 at PageID 67.)

The Court put Plaintiff on notice that failure to respond to the Court's order and further failure to litigate his case would result in dismissal without prejudice under Federal Rule of Civil Procedure 41(b). (*Id.*) Still Plaintiff has not responded to the show cause orders. It thus appears that Plaintiff has abandoned this cause of action. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims for failure to prosecute under Federal Rule of Civil Procedure 41(b).

**SO ORDERED**, this 26th day of August, 2020.

s/ Thomas L. Parker  
\_\_\_\_\_  
THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE